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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,026	03/25/2004	Thomas D. Taylor	4015	7784
29356	7590	10/19/2005	EXAMINER	
JERRY SEMER 617 CROGHAN ST. FREMONT, OH 43420			FASTOVSKY, LEONID M	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/809,026

Applicant(s)

TAYLOR, THOMAS D.

Examiner

Leonid M. Fastovsky

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 8-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,8-11,13,14,16--19 is/are rejected.
- 7) ☒ Claim(s) 12,15 and 20-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1, 3-5 and 8-23 are objected to because of the following informalities: claims 1 and 3 cite the word "inferred" that should be "infrared". Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-5, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hodges (2,622,180) in view of Malten.

Hodges discloses a trim heater to heat a seat trim for clothes comprising a base 22 and a frame 1-2 and 19 attached to the top of the base 22 and adapted such that the seat trim can be stretched tightly over the frame parts 1-4, and means 6, 37 designed to deliver power to the electric heater 6, and a switch control by a thermostat 10 designed to allow an operator to turn on and off the heater 6, but does not disclose infrared heat, a guard and a reflector. Malten discloses an infrared lamp 14 having a guard 12 and a reflector 59.

It would have been obvious to one having ordinary skill in the art to modify Hodges's invention to include an infrared lamp or set of the lamps including a

Art Unit: 3742

reflector as taught by Malten in order to provide more efficient heating and guards to protect the infrared heater from damage.

As for claims 10 and 13-14, Hodges teaches a stand 21 with a top 39 and means 25 and 26 (col. 3, lines 25-36) of attaching the heater 6 with the base 22 and the frame 1-4.

As for claims 16-19, Hodges teaches a heater control with the thermostat 10 and it would have been obvious to one having ordinary skill in the art to modify the invention of Hodges in view of Malten to include a means for controlling the interval of time the power reaches the heater in order to not damage the seat trim by overheating.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hodges in view of Malten and further in view of Overdorf.

Hodges in view of Malten discloses substantially the claimed invention, but does not disclose a pivotal attachment of the base to the stand. Overdorf discloses a pivotably mounted radiant heating apparatus 10 with a frame 14 (Fig. 4). It would have been obvious to one having ordinary skill in the art to modify the invention of Hodges in view of Malten to include a pivotal attachment between the heater and the frame as taught by Overdorf (col. 4, lines 552-56) in order to releasibly lock the frame as necessary.

Allowable Subject Matter

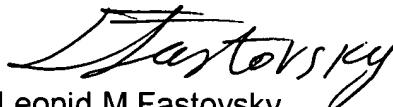
5. Claims 12, 15 and 20-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3742

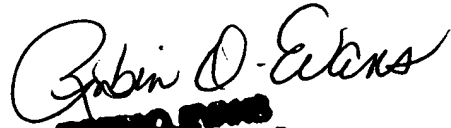
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid M Fastovsky whose telephone number is 571-272-4778. The examiner can normally be reached on M-Th. 8.00 am -6.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leonid M Fastovsky
Examiner
Art Unit 3742

lmf

9/19/05

ROBIN D. EVANS
INTERVIEWER